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ABSTRACT

This booklet is designed to help child care providers recognize and report cases of child abuse and neglect that come to their attention. The first section of the booklet provides legal definitions of abuse and neglect according to Virginia law, and lists indicators of physical abuse, physical neglect, sexual abuse, and emotional maltreatment. The second section examines questionable situations, describing the difference between abuse and discipline, corporal punishment, and situations that are not considered abuse or neglect under the law. The third and fourth sections discuss how and when suspected child abuse or neglect should be reported, and examine some of the implications of such reports, including the legal penalties for not reporting suspected child abuse and neglect. The fifth and sixth sections discuss techniques of responding to the child who reports being abused or neglected, and some of the actions that social service agencies take in investigating cases of suspected abuse. An appendix summarizes actions that social service agencies take when child care personnel are alleged to have abused or neglected children under their care, and provides the telephone numbers of local departments of social services at the county and city level in Virginia. (MDM)

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CHILD ABUSE AND NEGLECT

PS 021 083

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES
CHILD PROTECTIVE SERVICES

The Mandated Reporter Assistance Series

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TO REPORT CHILD ABUSE OR NEGLECT CALL YOUR LOCAL DEPARTMENT OF SOCIAL SERVICES DURING BUSINESS HOURS*

OR

CHILD ABUSE AND NEGLECT HOTLINE
(24 Hours a Day)

 # 1-800-552-7096
Voice/TDD Accessible

*Phone numbers for Local Departments of Social Services can be found on page 43 of this booklet.

ACKNOWLEDGMENTS

The Department of Social Services would like to acknowledge and thank our colleagues in the child care and child protective services communities for devoting their time, effort, and expertise in developing this booklet.

This booklet was written and compiled by Linda M. Struck, CPS Program Specialist, Child Protective Services Unit, Virginia Department of Social Services.

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Printed 1992

Introduction

ENSURING CHILDREN'S RIGHTS

While everyone should be concerned about child abuse and neglect, certain groups of people are more likely to have the opportunity to recognize and report abuse and neglect. Some of these persons are required by law to do so. As a child care provider, you are one of these people.

This booklet is designed to assist you in that role. By taking a few minutes to read through this material, you should become more discerning in your observations and have a better understanding of the child abuse and neglect reporting process.

This booklet contains information on:

- Virginia law addressing child abuse and neglect
- Definitions of child abuse and neglect
- Key indicators to look for in recognizing cases of possible abuse or neglect
- Issues and concerns about reporting
- Procedures for making a report
- A brief explanation of what happens when a report is made

Let's join together in protecting Virginia's children.

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Recognizing Child Abuse and Neglect

READING FOR ABUSE/NEGLECT

Child abuse and neglect occurs in all cultural, ethnic, occupational, and socioeconomic groups. Although abuse and neglect of children is rarely willful or deliberate, there are certain known factors which, when combined, increase the likelihood of abuse or neglect. They include:

- parental predisposition towards maltreatment (perhaps as a result of being abused or neglected as a child);
- stress within the home, such as marital, employment, or financial problems;
- parental substance abuse;
- lack of parenting knowledge or skills;
- poor impulse control and low level of frustration tolerance; and
- isolation from the support of family and friends.

Legal Definition:

According to Virginia law, an abused or neglected child is any child **under 18 years of age whose parents or any person responsible for his or her care*** (such as a child care provider, foster parent, or anyone responsible for the welfare of a child receiving residential care at an institution):

1. causes or threatens to cause a nonaccidental physical or mental injury;
2. neglects or refuses to provide adequate food, clothing, shelter, emotional nurturing, or health care;
3. abandons the child;
4. neglects or refuses to provide adequate supervision in relation to a child's age and level of development; or
5. commits or allows to be committed any illegal sexual act upon a child, including incest, rape, indecent exposure, prostitution, or allows a child to be used in any sexually explicit visual material.

*NOTE: Virginia law requires that child care providers report all cases of suspected child abuse or neglect to child protective services regardless of the abuser/neglector's relationship to the child.

Operational Definitions:

Many people think that "child abuse" is limited to physical harm. In reality, child abuse includes:

- physical abuse;
- physical neglect;
- sexual abuse; and
- emotional maltreatment.

Physical injuries, severe neglect, and malnutrition are more readily detectable than the subtle, less visible injuries which result from emotional maltreatment or sexual abuse. However, all categories of abuse endanger or impair a child's physical or emotional health and development and, therefore, demand attention.

Physical Abuse

Physical abuse may be defined as any act which, regardless of intent, results in a nonaccidental physical injury. Inflicted physical injury most often represents unreasonably severe corporal punishment. This usually happens when the parent is frustrated or angry and strikes, shakes, or throws the child.

Intentional, deliberate assault, such as burning, biting, cutting, and the twisting of limbs, are also included in this category.

Physical Neglect

Physical neglect may be defined as the failure to provide for a child's physical survival needs to the extent that there is harm or risk of harm to the child's health or safety.

Physical neglect may include, but is not limited to:

- abandonment;
- lack of supervision;
- lack of adequate bathing and good hygiene;
- lack of adequate nutrition;
- lack of adequate shelter;
- lack of medical or dental care; and
- lack of required school enrollment or attendance.

Sexual Abuse

Sexual abuse is defined as acts of sexual assault and sexual exploitation of minors. Sexual abuse encompasses a broad range of behavior and may consist of many acts over a long period of time or a single incident. Victims range in age from less than one year through adolescence. Specifically, sexual abuse includes:

- incest;
- rape;
- intercourse;
- oral-genital contact;
- fondling;
- sexual propositions or enticement;
- indecent exposure;
- child pornography; or
- child prostitution.

The nature of sexual abuse, the shame of the child victim, and the possible involvement of trusted parents, stepparents, or other persons in a caretaker role make it extremely difficult for children to come forward to report sexual abuse.

Mental/Emotional Maltreatment

Just as physical injuries can scar and incapacitate a child, emotional maltreatment can similarly cripple a child emotionally, behaviorally, and intellectually.

Varying degrees of emotional and behavioral problems are common among children who have been emotionally abused. Emotional maltreatment can include **patterns** of:

- Verbal assaults (e.g., screaming, intimidating, rejecting, ridiculing, blaming, sarcasm);
- ignoring and indifference; or
- constant family conflict.

Emotional abuse can be seen as a self-fulfilling prophecy. If a child is degraded enough, the child will begin to live up to the image communicated by the abusing parent or caretaker.

Cases of emotional abuse are extremely difficult to prove. A cause and effect relationship between the parent or caretaker's acts and the child's response must be established. These cases should be referred for evaluation and treatment as soon as possible.

INDICATORS OF PHYSICAL ABUSE

A **combination** or **pattern** of indicators should alert you to the possibility of physical abuse.

Questionable Bruises and Welts:

- on face, lips, mouth
- on torso, back, buttocks, thighs
- in various stages of healing
- clustered, forming regular patterns
- reflecting shape of article used to inflict (electric cord, belt buckle)
- on several different surface areas
- regularly appear after absence, weekend, or vacation
- human bite marks

Questionable Burns:

- cigar, cigarette burns, especially on soles, palms, back, or buttocks
- immersion burns (sock-like, glove-like, doughnut shaped on buttocks or genitalia)
- patterned like electric burner, iron, etc.
- rope burns on arms, legs, neck, or torso

Questionable Fractures:

- to skull, nose, facial structure
- in various stages of healing
- multiple or spiral fractures

Questionable Lacerations or Abrasions:

- to mouth, lips, gums, eyes
- to external genitalia

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INDICATORS OF PHYSICAL ABUSE

CHILD BEHAVIORAL INDICATORS

- Uncomfortable with physical contact
- Wary of adult contacts
- Apprehensive when other children cry
- Behavioral extremes:
  aggressiveness, or
  withdrawal
- Frightened of parents
- Afraid to go home
- **Reports injury by parents**
- Complains of soreness or moves uncomfortably
- Wears clothing inappropriate to weather to cover body
- Reluctance to change clothes (attempt to hide injuries, bruises, etc.)

CARETAKER CHARACTERISTICS

- History of abuse as a child
- Uses harsh discipline inappropriate to child's age, transgression, and condition.
- Offers illogical, unconvincing, contradictory, or no explanation of child's injury.
- Significantly misperceives child (e.g. sees him as bad, stupid, different, etc.)
- Psychotic or psychopathic personality
- Misuses alcohol or other drugs
- Attempts to conceal child's injury or to protect identity of person responsible
- Unrealistic expectations of child, beyond child's age or ability

INDICATORS OF PHYSICAL NEGLECT

A **combination** or **pattern** of indicators should alert you to the possibility of physical neglect.

PHYSICAL INDICATORS

- Consistent hunger, poor hygiene, inappropriate dress
- Consistent lack of supervision, especially in dangerous activities or long periods
- Unattended physical problems or medical needs
- Abandonment

CHILD BEHAVIORAL INDICATORS

- Begging, stealing food
- Extended stays at school (early arrival and late departure)
- Constant fatigue, listlessness, or falling asleep in class
- **States there is no caretaker**
- Frequently absent or tardy
- Shunned by peers

CARETAKER CHARACTERISTICS

- Misuses alcohol or other drugs
- Maintains chaotic home
- Evidence of apathy or hopelessness
- Mentally ill or diminished intelligence
- History of neglect as a child
- Consistent failure to keep appointments

INDICATORS OF SEXUAL ABUSE

A **combination** or **pattern** of indicators should alert you to the possibility of sexual abuse.

PHYSICAL INDICATORS

- Difficulty in walking or sitting
- Torn, stained, or bloody underclothing
- Pain or itching in genital area
- Bruises or bleeding in external genitalia, vaginal, or anal areas
- Venereal disease, especially in pre-teens

CHILD BEHAVIORAL INDICATORS

- Reluctance to change clothes
- Withdrawal, chronic depression, or infantile behavior
- Bizarre or unusual sexual behavior or knowledge
- Detailed and age-inappropriate understanding of sexual behavior (especially younger children)
- Unusually seductive behaviors with peers and adults
- Poor peer relationships
- **Reports sexual assault by caretaker**
- Threatened by physical contact
- Unexplained money or "gifts"

CARETAKER CHARACTERISTICS

- Extremely protective or jealous of child
- Encourages child to engage in prostitution or sexual acts in the presence of caretaker
- Sexually abused as a child
- Misuses alcohol or other drugs
- Non-abusing caretaker/spouse is frequently absent from the home, permitting access to child by abusing caretaker/spouse

INDICATORS OF EMOTIONAL MALTREATMENT

A **combination** or **pattern** of indicators should alert you to the possibility of emotional maltreatment.

PHYSICAL INDICATORS

- Speech disorders
- Lags in physical development
- Failure-to-thrive

CHILD BEHAVIORAL INDICATORS

- Habit disorders (sucking, biting, rocking in an older child)
- Conduct disorders (antisocial, destructive)
- Neurotic traits (sleep disorders, inhibition of play)
- Behavior extremes:
  compliant, passive, undemanding
  aggressive, demanding, rageful
- Overly adaptive behavior:
  inappropriately adult (e.g. parents other children)
  inappropriately infantile or emotionally needy
- Development lags (emotional or intellectual)
- Self-destructive

CARETAKER CHARACTERISTICS

- Blames or belittles child
- Ignores or rejects
- Withholds love
- Treats siblings unequally
- Seems unconcerned about child's problems
- Unreasonable demands or impossible expectations without regard to child's developmental capability

INDICATORS OBSERVED IN THE CHILD CARE SETTING

Abused and neglected children may be found in any child care setting in any community in the country.

Child care centers and family day care homes are the only places in which pre-school children are seen daily over periods of time by professionals trained to observe their appearance and behavior. These settings offer a continuum of time for observation and an opportunity to compare and contrast behaviors which are normal with those which are abnormal. Child care providers, therefore, may be aware that something is not right with a child long before severe physical injury is present.

The following indicators of abuse and neglect can be observed in child care settings. This list is intended to supplement the other physical and behavioral indicators described in this booklet:

- **The child tells you about an abusive or neglectful situation;**
- The child displays excessive anxiety;
- There are bruises or injuries after an absence. (Abusive parents may keep children home after a beating in an effort to conceal bruises or injuries);
- There are sudden changes in the child's behavior;
- The child frequently complains of pain and/or injury without apparent injury or illness;
- The child turns to strangers indiscriminately for affection;
- The child does not look to the parents for relief from discomfort;
- The child appears frightened of the parents;
- The child seems afraid to go home;
- The child rationalizes excessive punishment by saying "I'm bad. I deserve it.";
- The child displays destructive or cruel behavior;
- The child re-enacts the abuse using dolls, drawings, or friends;
- The child has detailed and age-inappropriate understanding of sexual behavior;
- The child wears clothes inappropriate to the weather to cover body; or
- The child displays consistent hunger, and/or poor hygiene.

PARENTAL ATTITUDES AS INDICATORS

A good deal of important information can be gathered by child care providers from routine conversations with parents. They will often reveal details of family life, discuss discipline, and may even request help with a problem. Conversations with parents can also reveal how they feel about their child.

ABUSIVE OR NEGLECTFUL PARENTS:

Expect Too Much

- Parents who make unrealistic demands on a child for early control of feeding, sleeping, and elimination habits. Such parents will complain excessively about poor table manners, defiance at bedtime, or deliberate soiling.
- Parents who complain frequently that a child cries excessively "for no good reason."
- Parents who **consistently** attribute unrealistic or inappropriate motives to an infant's behavior, e.g. "He knows it makes me mad, but he does it anyway."

Have Negative or Apathetic Attitudes Towards Their Child

- Parents who seem indifferent to, deny, or are annoyed by injury, illness, or developmental delays in their child.
- Parents who do not seem sensitive to their child's basic needs for food, shelter, or clothing.
- Parents who scapegoat one child as being different or bad.
- Parents who become excessively angry at the child's performance.

Combinations or patterns of parent and child indicators should alert you to possiblity of abuse or neglect.

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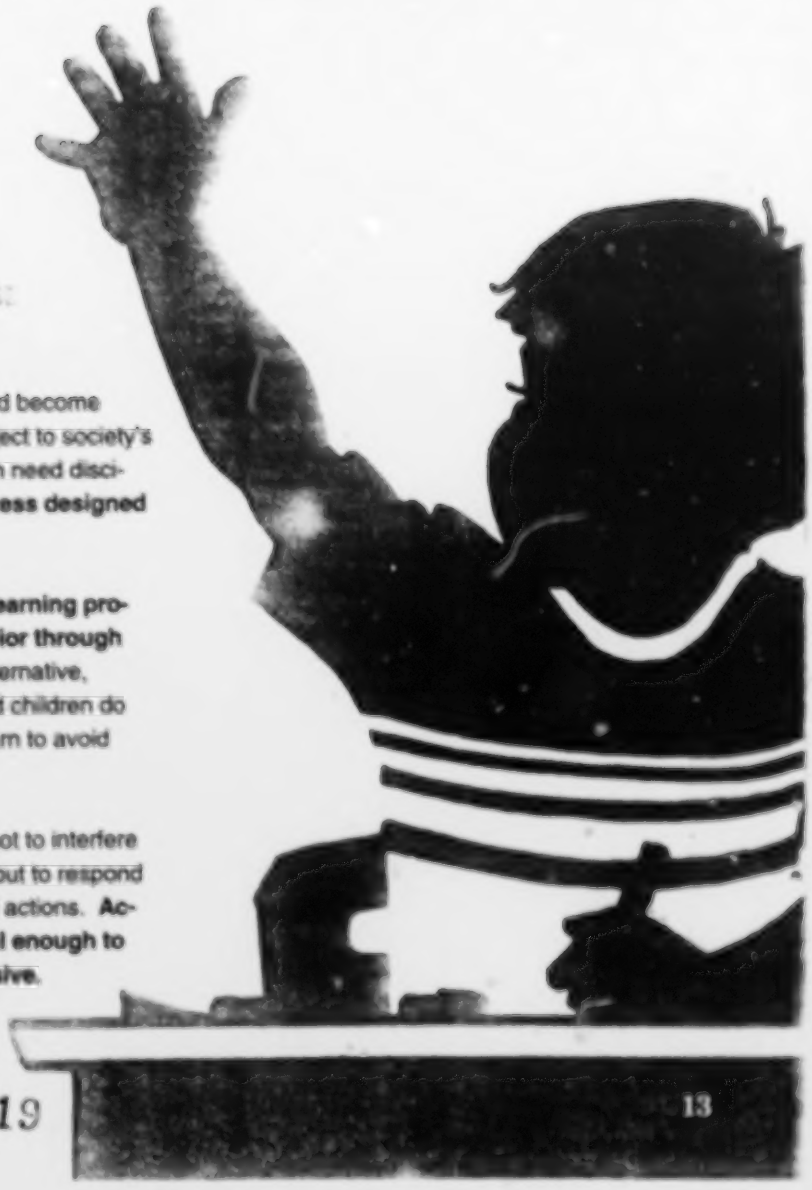
Questionable Situations



THE FINE LINE BETWEEN ABUSE AND DISCIPLINE

In order for children to grow up and become productive members of society, subject to society's norms, values, and rules, all children need discipline. **Discipline is a learning process designed to teach appropriate behaviors.**

Unlike discipline, **abuse is not a learning process. It is designed to stop behavior through inflicting pain.** It does not teach alternative, correct behavior. Therefore, abused children do not learn correct behavior. They learn to avoid punishment.

The intent of the reporting law is not to interfere with appropriate parental discipline but to respond to extreme or inappropriate parental actions. **Actions that are excessive or forceful enough to leave injuries are considered abusive.**

CORPORAL PUNISHMENT

The use of corporal punishment with children is not illegal in Virginia, even though most professionals agree that physical punishment is not the most desirable or effective method to use with children.

The **excessive** use of corporal punishment teaches children to resolve conflicts violently and to use physical power rather than reason to obtain results or express anger.

Excessive corporal punishment can easily result in unintended injury(ies) to a child due to the difference in size between an adult and a child, the presence of anger, and the use of force.

Corporal punishment in licensed child care centers or family day care homes is prohibited by state licensing standards.

DISTINGUISHING ACCIDENTAL FROM NONACCIDENTAL INJURIES

The very nature of childhood invites accidents. Children are curious and fearless. They run, climb, jump, and explore. A child's motor skills usually outpace cognitive skills allowing him/her to approach danger without recognizing it. The discussion on the following page will help you distinguish between accidental and nonaccidental injuries.

When observing an injury you suspect might be the result of abuse, consider:

- **Location of the injury.** Certain locations on the body are more likely to sustain accidental injury. They include the knees, elbows, shins, or forehead.

  Protected body parts and soft tissue areas, such as the back, thighs, genital area, buttocks, back of the legs, or face, are less likely to accidentally come into contact with objects which could cause injury.

- **Number and frequency of injuries.** The greater the number of injuries, the greater the cause for concern. Unless the child is involved in a serious accident, he/she is not likely to sustain a number of different injuries accidentally. Multiple injuries in different stages of healing may indicate abuse.

- **Size and shape of the injury.** Many nonaccidental injuries are inflicted with familiar objects: a stick, a board, a belt, a hair brush. The marks which result bear strong resemblance to the object which was used. Accidental marks resulting from bumps and falls usually have no defined shape.

- **Description of how the injury occurred.** If an injury is accidental, there should be a reasonable explanation of how it happened that is consistent with the appearance of the injury. When the description of how the injury occurred and the injury are inconsistent, there is cause for concern. For example, it is not likely that a fall off a chair onto a rug would produce bruises all over the body.

- **Consistency of injury with the child's developmental capability.** As a child grows and gains new skills, his/her ability to engage in activities which can cause injury increases. A toddler trying to run is likely to suffer bruised knees and a bump on the head. He/she is less likely to suffer a broken arm than is an eight-year-old who has discovered the joy of climbing trees. A two-week-old infant does not have the movement capability to self-inflict a bruise.

Remember that accidents do happen. Parents are not perfect. Injuries do occur that might have been avoided. Nevertheless, there is cause for concern when injuries recur and/or the explanation is inconsistent with the injury or the child's developmental abilities.

LATCHKEY CHILDREN

The laws of Virginia do not set a specific age after which a child legally can stay alone. Age alone is not a very good indicator of a child's maturity level. Some very mature 10-year-olds may be ready for self care while some 15-year-olds may not be ready due to emotional problems or behavioral difficulties.

In determining whether a child is capable of being left alone and whether a parent is providing adequate supervision in latchkey situations, child protective services (CPS) will assess several areas. These areas include:

- Child's level of maturity. CPS will want to assess whether the child **is physically capable** of taking care of him/herself; **is mentally capable** of recognizing and avoiding danger and making sound decisions; **is emotionally ready** to be alone; knows what to do and whom to call if an emergency arises; and has special physical, emotional, or behavioral problems that make it unwise to be left alone. **It is important to note that a child who can take care of him/herself may not be ready to care for younger children.**
- Accessibility of those responsible for the child. CPS will want to determine the location and proximity of the parents, whether they can be reached by phone and can get home quickly if needed, and whether the child knows the parents' location and how to reach them.
- The situation. CPS will want to assess the time of day and length of time the child is left alone; the safety of the home or neighborhood; whether the parents have arranged for nearby adults to be available in case a problem arises; and whether there is a family history of child abuse or neglect.

SITUATIONS THAT, ACCORDING TO VIRGINIA LAW, ARE NOT CONSIDERED ABUSE/NEGLECT AND ARE NOT REPORTABLE

With the rapid growth in the number of reports concerning the care of children, the Department of Social Services recognizes the need to carefully define those services which child protective services (CPS) can provide. The Department of Social Services believes that the well-being of children is a shared community concern; however, some problems are not appropriate for CPS intervention. These problems can be more effectively addressed by other community agencies.

Parental Substance Abuse

Parental substance abuse, in and of itself, with no demonstrated adverse impact on the child is not reportable. For example, a parent who is frequently absent from the home due to drug use but leaves his/her children in the care of responsible relatives is not considered to be abusive or neglectful.

Failure to Obtain Immunizations

CPS intervenes in medical neglect cases only in situations of imminent danger to the child's health and safety. Immunizations are considered preventive medicine as opposed to treatment. Immunizations also carry risk factors. Therefore, the decision to immunize is a parental decision until the child attains school age when immunizations are required for admission to school. At that time it is the responsibility of the school board to ensure enrollment in school.

Failure to Use Seat Belt Restraints As Required By Law

Virginia law requires the use of seat belts to restrain children. The intent of the law is to protect children from serious injury in the event of an accident. The seat belt statute is a civil law with designated fines and penalties. Law enforcement authorities are responsible for enforcing this statute.

Reporting Child Abuse and Neglect

3

WHY REPORT?

The purpose of required reporting is to identify suspected abused and neglected children as soon as possible so that they can be protected from further harm.

Child protective services cannot act until a report is made. Consequently, as a child care provider you play a critical role in preventing any future harm to children.

Without detection, reporting, and intervention, these children may remain victims for the rest of their lives. Abused children don't just grow up and forget their childhood. They carry physical and emotional scars throughout their lives, often repeating the pattern of abuse or neglect with their own children.

WHEN TO REPORT

Anytime you suspect* that a child is being abused or neglected, you should **immediately report your concerns** to the local department of social services or to the Child Abuse and Neglect Hotline. You need not prove that abuse or neglect has taken place; local departments of social services are responsible for making this determination.

*Refer to the section in this booklet on Indicators of Child Abuse and Neglect for help in determining whether or not a child may be abused or neglected.

WHO MUST REPORT

Anyone may report abuse or neglect; however, under Virginia law, certain professionals are required to report. These professionals include:

- persons licensed to practice medicine or any of the healing arts;
- hospital residents or interns;
- persons employed in the nursing profession;
- social workers;
- probation officers;
- **teachers or other persons employed in a public or private school, kindergarten, or nursery school;**
- **persons providing full or part-time child care for pay on a regular basis;**
- accredited Christian Science practitioners;
- mental health professionals;
- law enforcement officers; and
- professional staff persons employed by a public or private hospital, institution, or facility in which children are placed.

The Code of Virginia provides protection from criminal and civil liability to the following persons unless it is proven that these persons acted with malicious intent:

any person making a report of child abuse/neglect and

any person who participates in a judicial proceeding resulting from either making a report or taking a child into immediate custody.

When you suspect that a child is being abused or neglected, **you should report your concerns to the local department of social services in your community.** Local social services departments are open during daytime business hours and their telephone numbers are listed on page 43 of this booklet.

Reports can also be made to the Child Abuse and Neglect Hotline (1-800-552-7096), seven days a week, 24 hours a day.

When making a report, it is helpful to provide as much information as possible, **if known**. For example:

- the name, address, and telephone number of the child and parents or other person(s) responsible for the child's care;
- the child's birthdate or age, sex, and race;
- the names and ages of other persons who live with the child and their relationship to the child;
- whether or not there is a family member who can protect the child;
- the name, address, and telephone number of the suspected abuser and his/her relationship to the child;
- the nature and extent of the abuse/neglect, including any knowledge of prior maltreatment of the child or siblings;
- any other pertinent information; and
- your name, address, and phone number.

You may report anonymously if you choose, but you are encouraged to give your name. This makes it possible for the child protective services worker to contact you later if additional information is needed. Providing your name will also enable the child protective services worker to inform you of the investigation outcome.

WHETHER TO INFORM THE PARENTS OF THE REPORT

As a child care provider, you have a relationship with the child and/or parents; therefore, you may wish to advise the parents of the report to child protective services (CPS).

If you choose to inform the parents, it is important that you be honest. Often parents will respect you for your honesty even though they may disagree with the position you've taken. You might explain that child care providers are required by law to report all cases of neglect or injury to children caused by questionable or other than accidental means. The law does not give you a choice about reporting.

Filing a report of suspected child abuse or neglect can be described as "making a referral to request help and services for the child and family." Parents need to know that their problems are not unique, they are not inherently "bad" parents, and they can be helped. The intent of a report is to protect the child from further harm and to improve family relationships. Let the parents know that you want to continue your relationship with the family and that you believe that this is a problem which can be solved.

There may be some instances in which you will not want to inform the parents of your report to CPS. These instances include a situation where the child's safety would be jeopardized by the parents' knowing the child has disclosed information to you or a situation where a child is in imminent danger and you believe the parent might disappear with the child.

Before informing the parents about a report of suspected abuse or neglect, it may be helpful to discuss your decision with the local CPS worker.

WHAT IF YOU'RE NOT SURE?

You may consult with your local department of social services, child protective services unit, or with staff at the Child Abuse and Neglect Hotline.

If a child has shared information with you about abuse or neglect, this is enough for you to call. It is better to make your concerns known than to remain silent and possibly allow a child to remain unprotected.

WHAT IF THE ABUSE OCCURRED IN THE PAST?

Any case of suspected child abuse or neglect, **where the victim is under age 18**, must be reported even if the abuse/neglect occurred in the past. The child protective services worker will evaluate the situation to determine whether an investigation is warranted at the time of your report.

WHAT IF A REPORT OF SUSPECTED ABUSE OR NEGLECT IS NOT ACCEPTED BY CHILD PROTECTIVE SERVICES?

Not all reports of suspected child abuse or neglect are accepted for investigation by child protective services (CPS).

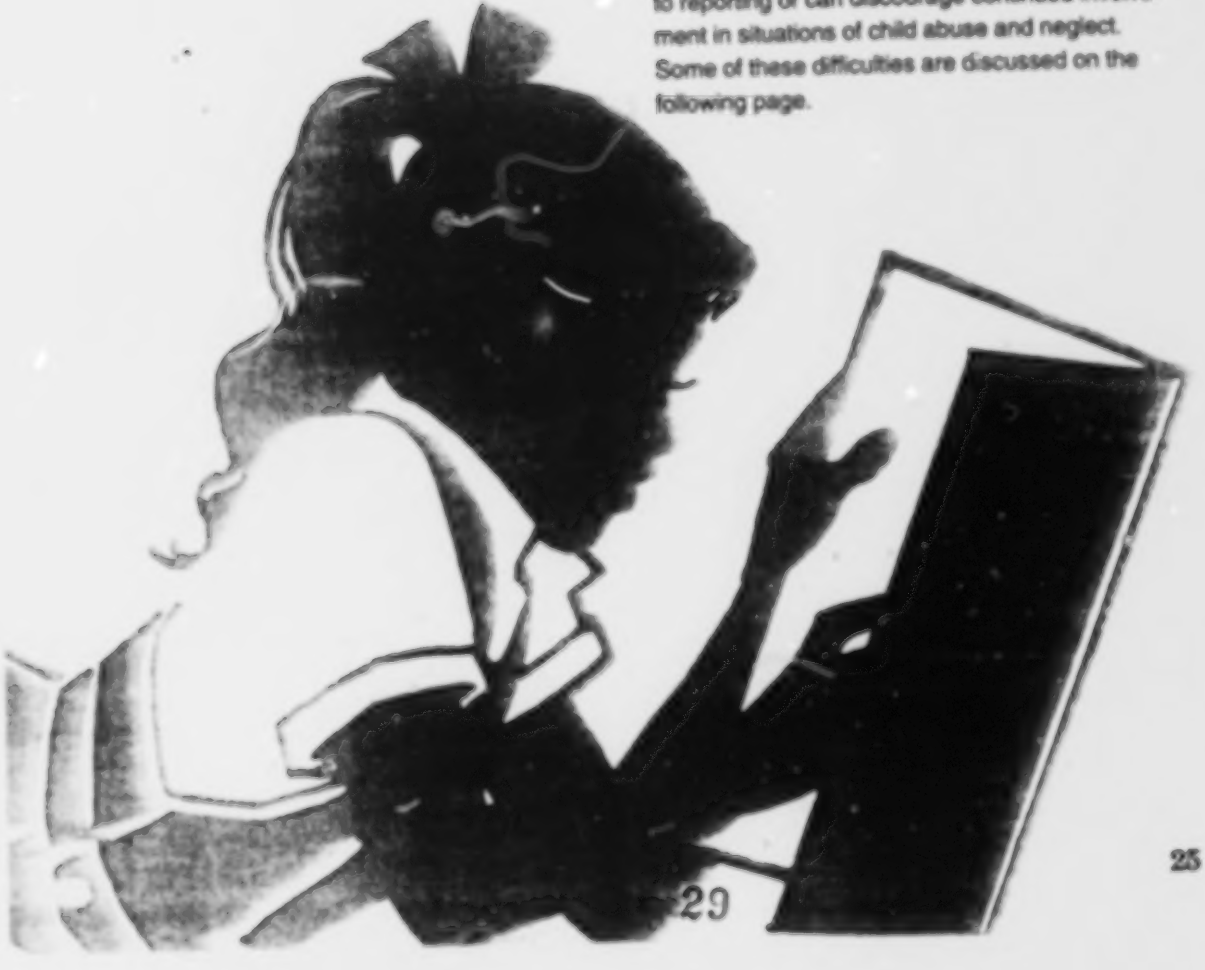
When CPS decides not to investigate a report, it is usually due to the following: the report does not meet the legal definition of abuse/neglect; law enforcement has the responsibility to investigate; or the family's problems can be more effectively addressed by a different type of service.

You will be told whether or not the report will be investigated and the reasons why. If a decision is made not to investigate, and you disagree, you may further discuss your concerns with the CPS supervisor. When a case is not appropriate for CPS, you may ask for suggestions or guidance in dealing with the family.

Issues and Concerns About Reporting

POSSIBLE BARRIERS AND DIFFICULTIES WHICH MAY BE ENCOUNTERED WHEN REPORTING

A report of suspected maltreatment is not an accusation. It is a request for the helping process to begin. The reporting process, however, may not always go smoothly. Difficulties may be encountered which can act as a barrier to reporting or can discourage continued involvement in situations of child abuse and neglect. Some of these difficulties are discussed on the following page.



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Previous Bad Experience:

Professionals who have had an unsatisfactory experience when reporting suspected child abuse or neglect may be reluctant to report a second time. These professionals may have been discouraged from reporting, or may have developed a distrust of child protective services (CPS), feeling that a previous case was not handled to their satisfaction. These concerns are real. Things may not have gone as well as they could have. A previous bad experience, however, does not mean that the next time things will not be handled well. If you have an unfortunate experience with a CPS response, you should consider requesting intervention by a supervisor in the handling of the case.

Child care providers must report regardless of their concerns or previous experience. The law requires it and no exemptions are made for those who have had a bad experience. In addition, while reporting does not guarantee that the situation will improve, not reporting guarantees that if abuse or neglect exists, the child will continue to be at risk.

The Belief That Nothing Will Be Done

Sometimes potential reporters are convinced that nothing will be done if they report, so they don't report. Aside from the legal considerations (failure to report is against the law in Virginia), such reasoning is faulty. **If an incident of suspected child abuse or neglect is reported, some action will occur.** At the very least, a record of the report will be made and your legal obligation will be fulfilled. **On the other hand, if the incident is not reported, nothing will be done. Abused and neglected children cannot be protected unless they are first identified, and the key to identification is reporting.**

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CONFIDENTIALITY

Identity of Reporter

The identity of all persons who report suspected child abuse or neglect is confidential; however, in some instances, despite the child protective services worker's efforts to maintain confidentiality, families may be able to deduce the identity of the reporter. If the case is brought into court, the identity of the reporter may be revealed during court proceedings.

Parental Rights to Access Child Abuse or Neglect Records

Any individual, including the alleged abuser or neglector, may exercise his/her rights under the Virginia Privacy Protection Act of 1976 and may demand to see all personal information, **related to him/herself**, contained in the case record.

The individual requesting information is only given access to that portion of the record concerning him/herself, with safeguards taken to ensure the privacy rights of the other persons, including the reporter, mentioned in the case record.

PENALTY FOR FAILURE TO REPORT

Child care providers who fail to report suspected child abuse or neglect can be charged with a misdemeanor. If found guilty, the fine is up to $500 for the first incident and from $100 to $1,000 for any subsequent incidents. All such incidents are referred to the local Commonwealth's attorney.

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Responding to the Child Victim 5

HOW TO RESPOND TO THE CHILD WHO REPORTS BEING ABUSED/NEGLECTED

When a child tells you, openly or indirectly, about abuse or neglect in his/her family, it is important to recognize the strength which this child has demonstrated by sharing his/her secret and to honor the trust shown by choosing you as a confidant.

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Although it may be a difficult subject for you to discuss, it is important that you handle the disclosure with sensitivity. In part, this can be accomplished by following some general guidelines:

- Listen to what is being told to you. Do not push the child to share more than he/she is willing. The child needs warmth and acceptance. It is not necessary at this time that intimate details be revealed.

- Reassure the child that he/she has done the right thing by telling you. Acknowledge the difficulty of the decision and the personal strength shown in making this decision. Make it clear that the abuse or neglect is not the child's fault and that he/she is not bad or to blame.

- Keep your own feelings under control. Be calm and nonjudgmental. Be careful not to criticize or belittle the child's family.

- Use the child's own vocabulary.

- Do not promise not to tell. Know your limits. This is not a situation you can handle by yourself.

- Tell the truth. Don't make promises you can't keep, particularly relating to secrecy, court involvement, placement, and social worker decisions.

- Be specific. Let the child know exactly what is going to happen. Tell the child that you must report the abuse or neglect to child protective services. Tell the child that a social worker who helps families with these kinds of problems may be coming to talk with him/her.

- Assess the child's immediate safety. Is he/she in immediate physical danger? Is it a crisis? Are there others in the home who can protect the child?

- Be supportive. Remember why the child came to you. He/she needs your help, support, and guidance. Let the child know that telling about the abuse or neglect was the right thing to do. It is the only way to make it stop.

- Try to help the child regain control. The child is about to become involved in a process in which the primary intent will be to determine his/her best interest. At times, this may seem to sweep the child up in a series of events that are beyond his/her control. Although alternatives may be limited, it can help to let the child make decisions, whenever possible, to allow him/her some sense of self-determination. For example, you might ask the child what you can do to help or make the process less difficult.

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TECHNIQUES FOR INTERACTING WITH THE ABUSED/NEGLECTED CHILD

The following are tools or techniques that can be used by child care providers with children who report abuse or neglect:

- never underestimate the power that a positive adult relationship can have in a child's life. Children take their cues from adults.

- make your classroom or family day care home as safe as it can be. Structure and routine can help children regain a sense of personal control.

- ask permission before touching, again allowing a child to regain control.

- don't speak badly of the offender. The offender is often known and liked or loved by the child. Suggested statements are:

  "What he/she did to you was wrong—I am sorry that it happened to you."

  or

  "It was unfair of him/her to do that to you. I am sorry that it happened."

- try not to act shocked, angry, or upset at what a child may say or do. Remain open for more information. Suggested statements are:

  "I'm wondering where you learned that."

  "I'm wondering who taught you how to do that."

  "I'm sorry that happened to you. We need to tell someone so that (name) can get help to stop doing that to you."

- do not make a child feel different or singled out. Treat him/her just like every other child, but with an extra dose of compassion.

Utilize your colleagues as resource people and for support, **keeping in mind the child's right to privacy.**

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Investigation and Child Protective Services' Response

WHAT HAPPENS AFTER YOU MAKE A REPORT?

When a report of suspected child abuse or neglect is made, social services staff must determine that the situation described meets the legal definition of child abuse or neglect and whether child protective services (CPS) has the authority and responsibility to investigate.

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After a report is accepted for investigation, the CPS worker gathers as much information as possible. He/she interviews the child, the siblings, if necessary, the parents or caretakers, the alleged abuser, and any other persons having information about the incident. In some instances, a police officer **may** accompany the CPS worker during the investigation for reasons of safety and/or to determine if criminal charges should be filed.

Contact may also be made with the attending physician, school personnel, mental health counselors, etc.

Through interviews, observation, and information gathering, the CPS worker will, within 45 days, make one of three findings:

- Founded: The investigation reveals clear and convincing evidence that abuse or neglect has occurred.
- Reason to suspect: The investigation reveals no clear and convincing evidence of abuse or neglect; however, circumstantial or other indicators give the worker reason to suspect that abuse or neglect may have occurred.
- Unfounded: The investigation reveals no evidence of abuse or neglect.

RIGHT TO APPEAL INVESTIGATION FINDINGS

Any person who has a "founded" or "reason to suspect" finding made about him/her as a result of a child protective services investigation has a right to appeal. There are three levels of appeal. They include:

- a conference with the local department of social services director or designee;
- an administrative hearing convened before a hearing officer; and
- a judicial review before the local circuit court.

SERVICES PROVIDED TO THE FAMILY

While the immediate objectives of an investigation are to gather the facts and protect the child from further harm, these are not the only objectives. The child protective services (CPS) worker is also responsible for helping the parents identify and solve the problems that may have caused maltreatment. He/she helps the parents acquire the knowledge and skills needed to provide adequate care for their children.

Services are provided to the family by the CPS worker and/or community agencies. These services **may** include individual and/or family counseling; parenting groups or classes; homemaker services; respite day care; or family supervision, provided through home visits, by the CPS worker.

The length of time that CPS provides services to a family varies from case to case and is dependent on the continued risk of harm to the child.

INTERVIEWING CHILDREN IN CHILD CARE SETTINGS

During an investigation, the child protective services (CPS) worker may request to interview the child victim and/or siblings at the child care center or in the family day care home. You may request identification from the CPS worker.

Child care settings provide a safe environment, away from the alleged abuser and site of the abuse. This neutral setting may lessen the child's anxiety, making it easier for him/her to talk.

Consent of the parent or guardian to interview in child care settings is not necessary under Virginia law. The interview is conducted in private, without the presence of child care staff, in order to respect and preserve the child's and family's rights to privacy. If the CPS worker determines that it is in the child's best interest for staff to be present during the interview, the worker may request the presence of a specific individual.

PROTECTIVE CUSTODY

Child protective services (CPS) is required to try to prevent removal of the child whenever possible and to provide for the safety of the child in his/her own home. If for the child's safety, it becomes necessary to separate the family, it is preferable that the alleged abuser/neglector leave the home.

Removal and placement is traumatic for a child. He/she often feels abandoned by the family and responsible for the problems in the home that led to removal. Removal can lead to feelings of insecurity as the child wonders if he/she will ever be reunited with the family. In addition, when a child is placed the child must adjust to a new family, school, or community.

If it becomes necessary to remove the child, the CPS worker will give the parents or guardian an opportunity to place the child with relatives in order to preserve a sense of family identity. When this is not possible, placement in foster care or in group care may be necessary. **The ultimate goal is to reunite the family as soon as it is safe for the child.**

When there is immediate danger to a child's well-being, Virginia law permits law enforcement, child protective services (CPS), or physicians to take a child into protective custody for up to 72 hours without a court order.

Immediately after a child is taken into protective custody, the parents or guardians must be notified that the child is in custody. A report must be made to CPS so that an investigation can be conducted. The Juvenile and Domestic Relations Court must also be notified.

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RELEASE OF RECORDS TO CHILD PROTECTIVE SERVICES

During the course of a child abuse or neglect investigation, the child protective services (CPS) worker may request the release of child care records.

The Code of Virginia authorizes child care providers to release any records or reports which document the basis for the report of suspected abuse or neglect. The child care provider is responsible for determining which records or reports are necessary for release to CPS.

Child care reports that are contained in CPS records may not be released without authorization from the child care provider, except to the Commonwealth's attorney, a CPS hearings officer, or a court determining an issue arising from a child abuse or neglect complaint.

PHOTOGRAPHS AND X-RAYS

In cases of suspected child abuse, the child protective services worker may take photographs and arrange for x-rays of the child as part of a medical evaluation without the consent of the parent or guardian.

FEEDBACK FROM CHILD PROTECTIVE SERVICES

Intrusion into family life to protect a child is a highly sensitive matter necessitating confidentiality. Due to strict federal and state laws concerning the release of child protective services (CPS) information, the CPS worker is restricted in the information that can be discussed with individuals outside of the family.

The CPS worker is permitted to give child care providers information that is in the best interests of the child. At a minimum, you will be informed that a report has been investigated and determined to be unfounded or that necessary action has been taken.

If you are not contacted by the CPS worker within 45 days of the date of the report and you wish to learn the outcome of the investigation, you may call the worker assigned to the case or the supervisor.

CIVIL COURT ACTION AND TESTIMONY BY CHILD CARE PROVIDERS

Most cases of child abuse or neglect do not require court involvement. Most families do not neglect or injure a child with willful intent, and will accept help in correcting the circumstances which caused the maltreatment. However, where there is evidence of abuse or neglect and the family does not do what is necessary to ensure the safety of the child, a petition may be filed in civil court by child protective services.

The court is a place where the rights of the child and the parents are protected. Ultimately, the court will decide what is in the best interests of the child and whether the family needs protective services.

Child care providers may be requested to provide written reports or testimony to assist the court in making a decision. Submitting written reports **may** decrease the likelihood of having to testify.

In those rare instances where child care providers are called to testify, you will be asked questions related to what you observed and your conversations with the child.

CRIMINAL PROSECUTION

Child protective services is required to report certain cases of suspected child abuse or neglect to the local Commonwealth's attorney. These cases include:

- child death;
- injury or threatened injury involving a felony or Class 1 misdemeanor;
- any suspected sexual abuse or other sexual offense including, but not limited to, the use or display of the child in sexually explicit visual material;
- child abduction;
- any felony or Class 1 misdemeanor drug offense involving a child; or
- contributing to the delinquency of a minor.

Criminal prosecution is at the sole discretion of the local Commonwealth's attorney.

Appendix

REPORTS INVOLVING CHILD CARE STAFF ALLEGED TO HAVE ABUSED OR NEGLECTED A CHILD DURING THE PERFORMANCE OF THEIR JOB

Local departments of social services are responsible for investigating reports of suspected abuse or neglect by child care providers.

Upon receiving a report, a child protective services (CPS) worker will contact the child care center director or designee to inform him/her of the report. If the director is the alleged abuser/neglector, contact will be made with the Board of Directors or their designee. Arrangements will be made for:

- an interview with the alleged child victim;
- an interview with the employee;
- interviews with designated staff;
- observation of the child care center or family day care home; and
- a review of pertinent policies and procedures.

The CPS worker will notify the child's parents and the Division of Licensing Programs, that a report of suspected child abuse or neglect has been received.

Licensing staff, within five working days of notification, will conduct an investigation to determine whether there were any violations of licensing standards that may have contributed to the alleged incident.

CPS will conduct an investigation to determine whether abuse or neglect has occurred and the level of risk to the alleged victim and others at the child care center or family day care home.

Through interviews, observation, and information gathering, the CPS worker, within 45 days of receipt of the report, will make one of the following findings:

- founded;
- reason to suspect; or
- unfounded.

Definitions of these findings can be found on page 34 of this booklet.

The CPS worker will prepare a written report explaining the findings and any recommended corrective action. The report will be given to the alleged abuser/neglector with copies to the child care center director and Division of Licensing Programs. The child's parents will also be notified of the investigation findings.

LOCAL DEPARTMENTS OF SOCIAL SERVICES

COUNTIES

Accomack County	804-787-1530
Albemarle County	804-977-6510
Alleghany-Covington County	703-962-5151
Amelia County	804-561-2681
Amherst County	804-946-9330
Appomattox County	804-352-7125
Arlington County	703-358-5100
Bath County	703-839-7271
Bedford County	703-586-7750
Bland County	703-688-4111
Botetourt County	703-992-8210
Brunswick County	804-848-2142
Buchanan County	703-935-8106
Buckingham County	804-969-4246
Campbell County	804-332-5161
Caroline County	804-633-5071
Carroll County	703-728-9186
Charles City County	804-829-9207
Charlotte County	804-542-5164
Chesterfield/Colonial Heights County	804-748-1100
Clarke County	703-955-3700
Craig County	703-864-5117
Culpeper County	703-825-1251
Cumberland County	804-492-4915
Dickenson County	703-926-1661
Dinwiddie County	804-469-4524
Essex County	804-443-3561
Fairfax County	703-324-7400
Fauquier County	703-347-2316
Floyd County	703-745-9316
Fluvanna County	804-842-8221
Franklin County	703-483-9247
Frederick County	703-665-5688
Giles County	703-626-7291
Gloucester County	804-693-2671
Goochland County	804-556-5332
Grayson County	703-773-2452
Greene County	804-985-5246
Greensville/Emporia County	804-634-6576
Halifax County	804-476-6594
Hanover County	804-537-6060
Henrico County	804-672-4002
Henry County	703-632-6373
Highland County	703-468-2199
Isle of Wight County	804-357-3191 Ext. 300
James City County	804-565-6855

King & Queen County	804-785-7023
King George County	703-775-3544
King William County	804-769-4905
Lancaster County	804-462-5141
Lee County	703-346-1010
Loudoun County	703-777-0353
Louisa County	703-967-1320
Lunenburg County	804-696-2134
Madison County	703-948-5521
Mathews County	804-725-7192
Mecklenburg County	804-738-6138
Middlesex County	804-758-2348
Montgomery County	703-382-6990
Nelson County	804-263-6334
New Kent County	804-966-9625
Northampton County	804-678-5153
Northumberland County	804-580-3477
Nottoway County	804-645-8494
Orange County	703-672-1155
Page County	703-743-6568
Patrick County	703-694-3328
Pittsylvania County	804-432-2041
	Ext. 214
Powhatan County	804-598-5630
Prince Edward County	804-392-3113
Prince George County	804-733-2650
Prince William County	703-335-7500
Pulaski County	703-980-7995
Rappahannock County	703-675-3313
	or 3314
Richmond County	804-333-4088
Roanoke Count	703-387-6040
Rockbridge County	703-463-7143
Rockingham County	703-564-3150
Russell County	703-889-3031
	or 3505
Scott County	703-386-3631
Shenandoah County	703-459-3736
Smyth County	703-783-8148
Southampton County	804-653-2764
Spotsylvania County	703-582-7134
Stafford County	703-659-8720
Surry County	804-294-5240
Sussex County	804-246-5511
Tazewell County	703-988-2521
Warren County	703-635-3430
Washington County	703-676-6300
Westmoreland County	804-493-9305
Wise County	703-328-8056
Wythe County	703-228-5493
York/Poquoson County	804-898-7284

CITIES

Alexandria City	703-838-0800
Bristol City	703-669-8117
Charlottesville City	804-971-3400
Chesapeake City	804-543-9211
Clifton Forge City	703-862-4206
Danville City	804-799-6548
Franklin City	804-562-8520
	Ext. 250
Fredericksburg City	703-372-1032
Galax City	703-236-8111
Hampton City	804-727-1885
	or-1886 or-1887
Harrisonburg City	703-433-2412
Hopewell City	804-748-0151
Lynchburg City	804-847-1354
Manassas City	703-361-8277
Manassas Park City	703-335-8880
Martinsville City	703-638-5145
Newport News City	804-247-2600
Norfolk City	804-441-1000
Norton City	703-679-2701
Petersburg City	804-861-4720
Portsmouth City	804-398-3600
Radford City	703-731-3663
Richmond City	804-780-8138
Roanoke City	703-981-2245
Staunton/Augusta City	703-885-8911
Suffolk City	804-539-0216
Virginia Beach City	804-483-2000
Waynesboro City	703-942-6646
Williamsburg City	804-220-6161
Winchester City	703-662-3807

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Resource:

Virginia Department of Social Services
8007 Discovery Drive
Richmond, VA 23229-8699
Child Protective Services Unit
(804) 662-9081
Program Manager: Rita Katzman

Child Abuse Hotline:
1-800-552-7096
Voice/TDD Accessible

Virginians for Child Abuse Prevention, Inc.
224 East Broad Street, Suite 302
Richmond VA. 23219
(804) 775-1777
Executive Director: Barbara Rawn

Virginians Against Domestic Violence
P.O. Box 5692
Richmond, VA. 23220
(804) 780-3505
Executive Director: Judy Gundy

State Office on Spouse Abuse
Virginia Department of Social Services
8007 Discovery Drive
Richmond, VA. 23229-8699
(804)662-9029
Spouse Abuse Program Specialist: Deb Downing

Virginia Missing Children
Information Clearinghouse
1-800-822-4453 (1-800-VA CHILD)

Parents United, Inc.
P.O. Box 952/San Jose, CA 95108
(408)280-5055

Clearinghouse on Child Abuse and Neglect and Family Violence Information
P.O. Box 1182
Washington, D.C. 20013
(703) 385-7565

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For additional copies of:

Assistance For CHILD CARE PROVIDERS
In Recognizing and Reporting Child Abuse and Neglect

Cut out or Copy this form and mail to:

Virginia Department of Social Services
Child Protective Services Unit
Blair Building
8007 Discovery Drive
Richmond, Virginia 23229

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Name _____

Telephone Number (___) _____

Address _____

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